



City of Norfolk

Office of the City Manager

C: Dir. Of City Planning

July 11, 2006

To the Honorable Council
City of Norfolk, Virginia

Re: Special Exception – North side of
Newtown Road

Ladies and Gentlemen:

I. **Recommended Action:** Adopt ordinance

II. **Overview**

This agenda item is a special exception that would permit a commercial drive-through that would be located to the rear of a proposed Navy Federal Credit Union on Newtown Road. The applicant is proposing to construct a 6,700 square foot financial institution with a drive-through. The site would be accessed from a 35 foot access easement which extends from Newtown Road to the hotel site located to the rear. Two driveways are provided from the easement.

III. **Analysis**

A. **General**

The General Plan designates the area of this proposed commercial development as commercial/office. The commercial drive-through is located to the rear of the bank and contains three (3) drive-through lanes. A financial institution with a commercial drive-through would not have a negative impact on the neighborhood.

The City Council, in considering these conditions, must also determine that the proposed Special Exception complies with each of the requirements of Section 25-7 of the Zoning Ordinance of the City of Norfolk. The requirements address compatibility with the objectives and policies of The General Plan of Norfolk, assurance against a negative impact on the value of other properties within the neighborhood, traffic congestion, impact on natural resources (water and air quality) and other conditions as noted in the attached ordinance.

It should be noted that violation of any provision or condition of this ordinance shall be punishable in accordance with the enforcement procedures set forth in Chapter 23 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended) and shall constitute grounds for revocation of this Special Exception.

R-4

B. Fiscal
N/A.

C. Environmental
N/A.

D. Community Outreach/Notification
The applicant contacted and received full support from the Lake Taylor Civic League.

IV. Board/Commission Action

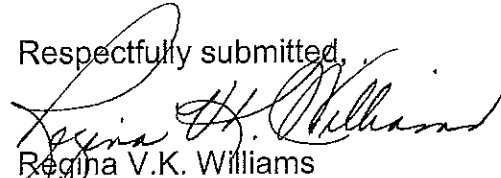
By a vote of 7 to 0, the City Planning Commission unanimously recommends that the special exception be **approved** subject to the following conditions:

- 1) There shall be no more than three (3) drive-through lanes permitted on the property.
- 2) The hours of operation for the drive-through shall be from 9:00 a.m. until 5:00 p.m. Monday through Thursday, from 9:00 a.m. until 5:30 p.m. on Friday, from 9:00 a.m. until 1:00 p.m. on Saturday, and closed on Sunday.
- 3) The site shall be developed in conformity with the site plan set forth in "Exhibit A," attached hereto. The attached site plan may, at the request of the Department of Planning, be required to be revised during the site plan approval process so as to comply with applicable regulations.
- 4) Landscaping shall be installed on the property in accordance with Chapter 17 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Landscaping and Buffers."

V. Conclusion

It is recommended that the City Council approve the ordinance as presented including conditions.

Respectfully submitted,


Regina V.K. Williams
City Manager

Coordination/Outreach

This letter has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.


6/14/06 trr


Form CCO-003

Form and Correctness Approved:

Contents Approved:


Office of the City Attorney


NORFOLK, VIRGINIA

By 
DEPT.

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A COMMERCIAL DRIVE-THROUGH FACILITY ON PROPERTY LOCATED ON THE WEST SIDE OF NEWTOWN ROAD, ADJACENT TO US I-264.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing the operation of a commercial drive-through facility on property located at the west side of Newtown Road, adjacent to US I-264. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 207 feet, more or less, along the western line of Newtown Road, beginning 705 feet, more or less, north of Kempsville Road and running northwardly.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) There shall be no more than three (3) drive-through lanes permitted on the property.
- (b) The hours of operation for the drive-through shall be from 9:00 a.m. until 5:00 p.m. Monday through Thursday, from 9:00 a.m. until 5:30 p.m. on Friday, from 9:00 a.m. until 1:00 p.m. on Saturday, and closed on Sunday.
- (c) The site shall be developed in conformity with the site plan set forth in "Exhibit A," attached hereto. The attached site plan may, at the request of the Department of Planning, be required to be revised during the site plan approval process so as to comply with applicable regulations.
- (d) Landscaping shall be installed on the property in

accordance with Chapter 17 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Landscaping and Buffers."

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural,

scenic or historic features of significant importance;

- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- Violation of any provision or condition of this ordinance shall be punishable in accordance with the enforcement procedures set forth in Chapter 23 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended) and shall constitute grounds for revocation of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT

Exhibit A (1 page)

EXHIBIT "A"





Inter Department Correspondence Sheet

TO: _____ City Manager
FROM: _____ City Planning Commission
COPIES TO: _____
SUBJECT: _____ Application for Special Exception (5 P.H. 25 May 2006)

PART 1: APPLICATION DESCRIPTION:

Nature of Application:

Special Exception: To operate a commercial drive-through

Location: North side of Newtown Road (Maps 1 and 2).

Applicant: Navy Federal Credit

Property Owner: Newtown Motel Associates, L.L.C.

Description of proposed use:

This site is developed with a new hotel to the rear and a Ruby Tuesday's on the southern portion of the site fronting on Newtown Road. The current applicant is proposing to construct a 6,700 square foot financial institution with a drive-through. Similar to the Ruby Tuesday's, the site would be accessed from a 35 foot access easement which extends from Newtown Road to the hotel site located to the rear. Two driveways are provided from the easement.

The commercial drive-through is located to the rear of the bank and contains three (3) drive-through lanes. Sufficient parking is provided on site. The proposed hours of operation of the drive-through are from 9:00 a.m. to 5:00p.m. Monday through Thursday, from 9:00 a.m. to 5:30 p.m. on Friday, from 9:00 a.m. to 1:00 p.m. on Saturday and closed on Sunday.

Description of existing land use pattern:

The site is located on the west side of Newtown Road just to the north of its intersection with Kempsville Road. To the north of the site is an IN-2 (Institutional Campus) District which is developed with the Sentara Leigh Memorial Hospital Complex.

To the east of the site is the exit ramp from Interstate 264. To the south of the site is an office building, a convenience store, restaurants and several hotels. A bank abuts the site to the west.

PART 2: ANALYSIS/EVALUATION:

Prior Zoning History:

- 1.) 2001: A request by Ruby Tuesday's for a special exception to operate and eating and drinking establishment on property located on the west side of Newtown Road. The request was approved.

Neighborhood Impact:

The site is located along a commercial/business corridor. A financial institution with a commercial drive-through would not have a negative impact on the neighborhood.

General Plan Impact:

The General Plan designates the area as commercial/office. This proposal would be considered to be in conformance with the General Plan.

Zoning Impact:

This application is for a special exception, which acknowledges that while the use is generally permitted in the district, it is of such a character that careful scrutiny is needed to determine if it is appropriate in this specific location and, if so, under what conditions.

As shown on Map 1, the site is located in a C-2 (Corridor Commercial) district which is developed with conforming uses. This use will have to observe the general conditions for special exceptions contained in Section 25-9 of the Zoning Ordinance.

PART 3: RECOMMENDATION:

The City Planning Commission unanimously recommends (by a vote of 7 to 0) that the special exception be approved subject to the following conditions:

- 1) There shall be no more than three (3) drive-through lanes permitted on the property.
- 2) The hours of operation for the drive-through shall be from 9:00 a.m. until 5:00 p.m. Monday through Thursday, from 9:00 a.m. until 5:30 p.m. on Friday, from 9:00 a.m. until 1:00 p.m. on Saturday, and closed on Sunday.
- 3) The site shall be developed in conformity with the site plan set forth in "Exhibit A," attached hereto. The attached site plan may, at the request of the Department of Planning, be required to be revised during the site plan approval process so as to comply with applicable regulations.
- 4) Landscaping shall be installed on the property in accordance with Chapter 17 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Landscaping and Buffers."
- 5) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- 6) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- 7) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- 8) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- 9) The proposed use and development will be served adequately by es-

stantial public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

- 10) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- 11) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- 12) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- 13) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- 14) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- 15) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.
- 16) Violation of any provision or condition of this ordinance shall be punishable in accordance with the enforcement procedures set forth in Chapter 23 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended) and shall constitute grounds for revocation of this Special Exception.

MAPS:

1. Location and Zoning
2. Site
3. Site Plan

Description of Property:

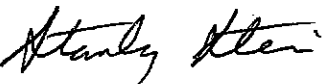
Property fronting 207 feet, more or less, along the western line of Newtown Road, beginning 705 feet, more or less, north of Kempsville Road and running northwardly.

Proponents:

James R. Fox
2256 Sandalwood Road
Virginia Beach, VA 23451

Opponents:

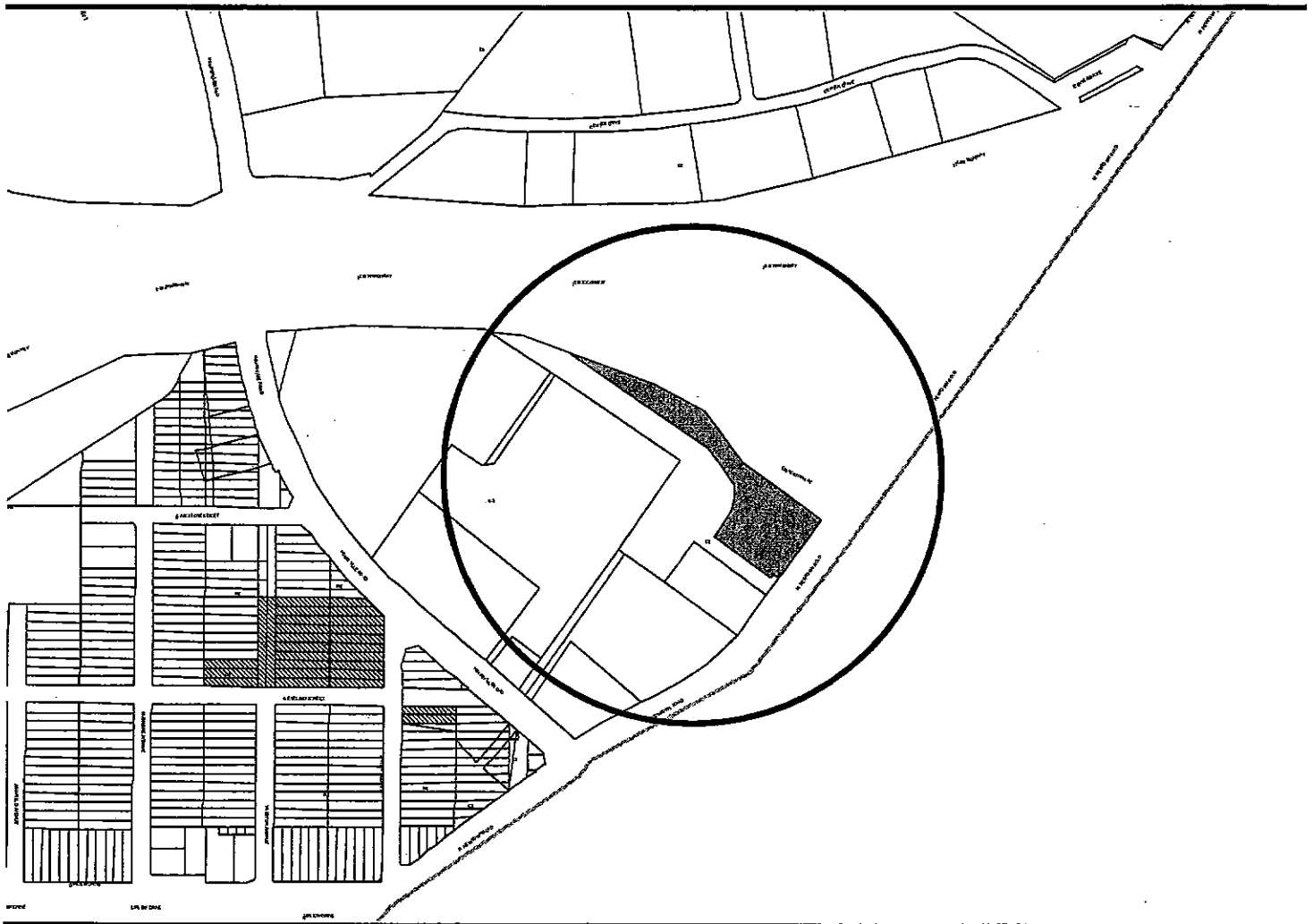
None


Stanley Stein
Acting Executive Secretary

Attachments

1. LOCATION AND ZONING
PROPOSED SPECIAL EXCEPTION

NAVAL FEDERAL CREDIT
Newtown Road



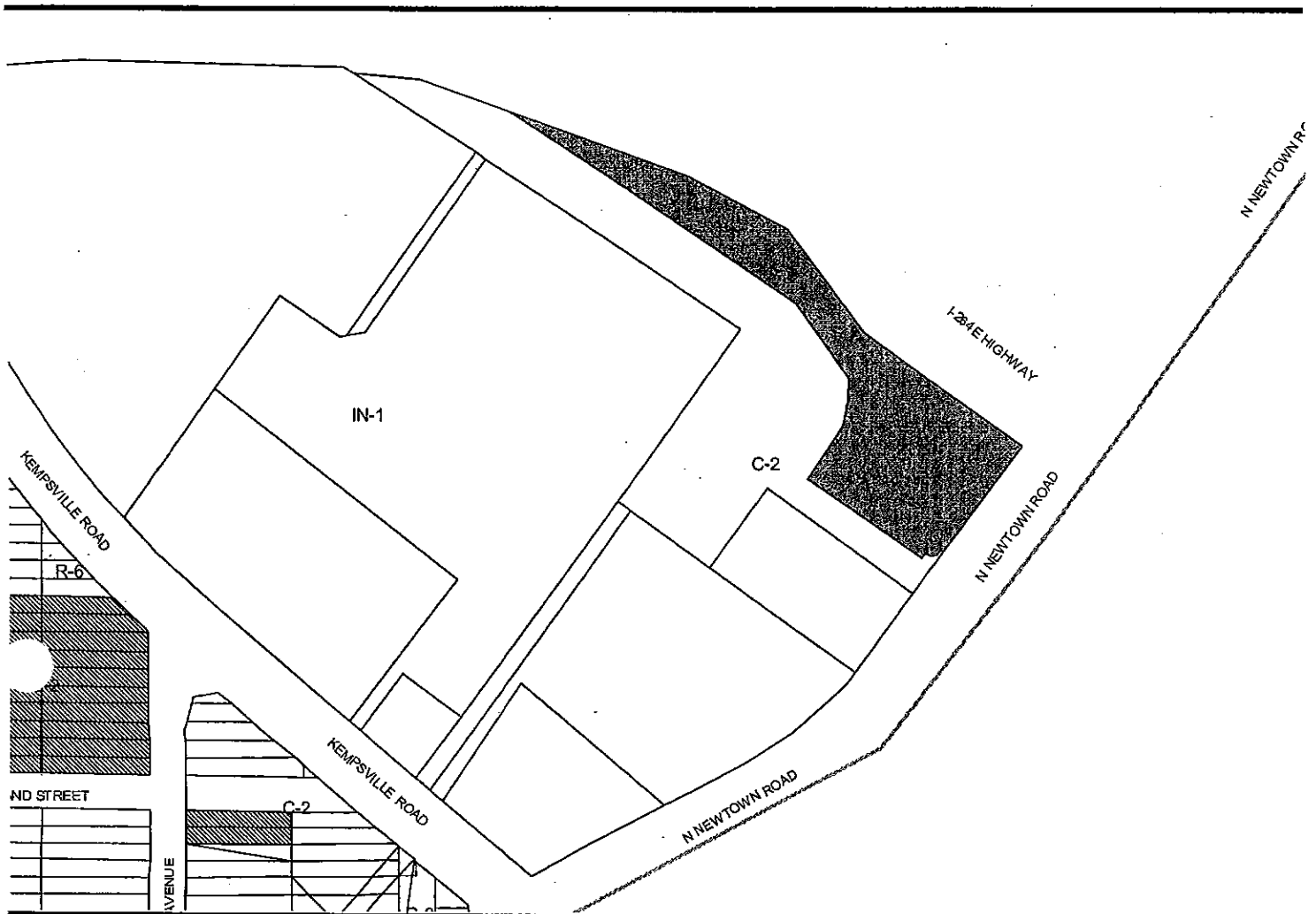
Planning Commission Public Hearing

May 25, 2006

Application 5

Location

2. SITE
PROPOSED SPECIAL EXCEPTION
NAVAL FEDERAL CREDIT
Newtown Road



Planning Commission Public Hearing

May 25, 2006

Application 5

Location

3. SITE PLAN

PROPOSED SPECIAL EXCEPTION

NAVAL FEDERAL CREDIT Newtown Road

